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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,483	04/13/2001	Kun Zhang	GEMS8081.081	7333
27061	7590	06/06/2005	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS) 14135 NORTH CEDARBURG ROAD MEQUON, WI 53097			DADA, BEEMNET W	
			ART UNIT	PAPER NUMBER

2135

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,483

Applicant(s)

ZHANG ET AL.

Examiner

Beemnet W. Dada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-13, 15-17 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13, 15-17 and 19-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

RD

DETAILED ACTION

1. This office action is in reply to an amendment filed on March 03, 2005. Claims 1-6, 8-13, 15-17 and 19-31 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-13, 15-17, 19-23 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hube et al. US Patent 5,442,541 (hereinafter Hube) in view of Fenstermaker et al. US Patent 6,490,684 B1 (hereinafter Fenstermaker).

4. As per claim 1, Hube discloses a method to access one or more inactive options resident on a device remotely located from a centralized facility (see for example; abstract) comprising the steps of:

accessing a graphical user interface (GUI) electronically linked to a centralized facility (see for example; col 10 ln 57-67 and col 15 ln 11-27) and configured to facilitate selection from a number of option identifying parameters (see for example; col 15 ln 10-16) selecting at least one of the number of option identifying parameters for identification of one or more inactive options resident on the device (see for example; col 14 ln 59-65), and transmitting an electronic

request for activation of the selected one or more inactive options to the centralized facility (see for example; col 10 ln 39-44 and col 14 ln 20-24 and ln 59-64), wherein the electronic request is transmitted via a public communication interface (see for example; col 10, ln 15-26 and ln 39-44). Hube does not explicitly teach transmission of the software key via a private communication interface such that the private communication interface electronically connects a centralized facility to the device.

However, within the same field of endeavor, Fenstermaker teaches a method of enabling device features by requesting and receiving a key from a remote location [see abstract, col. 3 ln. 29-38], including authorizing transmission and installation of a software key in response to an electronic request [see col. 3, lines 1-23], wherein the transmission of the software key is via a private communication interface such that the private communication interface connects the centralized facility to the device [col. 3, lines 1-5, and col. 5, lines 1-12]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit a software key via a private communication interface as taught by Fenstermaker and include it into the system of Hube, in order to enhance the security of the system by transmitting the software key in a private communication interface, thereby preventing illegal use or interception of the key.

5. As per claim 9, Hube discloses an access granting system (see for example; abstract) comprising:

- a computerized network (see for example; col 10 ln 15-20)

- a device having at least one non-enabled software application resident in memory thereon (see for example; col 14 ln 40-44),

a plurality of computers connected to the computerized network (see for example; col 10 In 15-20 and col 15 In 28-41), wherein at least one of the plurality of computers displays selection data to a user in a form of a graphical user interface (GUI) (see for example; col 15 In 10-26), a remote centralized facility electronically connected to the device and having a database (see for example; col 10 In 31-37), wherein the remote centralized facility includes a computer programmed to:

identify a user selection of the at least one non-enabled software application (see for example; col 10 In 33-37, col 14 In 20-32 and col 14 In 5962),

receive a request from an authorized user requesting enablement of the identified user selection (see for example; col 10 In 44-48 and col 14 In 59-62),

generate a software enabler designed to permit access to the selected non-enabled software application in accordance with the received request (see for example; instruction and data; col 14 In 20-33) and transmit the software enabler from the centralized facility to the device (see for example; col 14 In 2032). Hube does not explicitly teach receiving a host ID input, wherein the host ID corresponds to a physical location of a device.

However, within the same field of endeavor, Fenstermaker teaches a method of enabling device features by requesting and receiving a key from a remote location [see abstract, col. 3, In 29-38], including receiving a host ID input (i.e., unique device ID), wherein the host ID corresponds to a physical location of the device (see for example, Ethernet Hardware id) [col. 3, In 31-40, and col. 4 In 45-57, col. 5 In 1-13]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a method of receiving a host id that corresponds to a physical location of the device as taught by Fenstermaker and implement it within the system of Hube, in order to generate unique keys for each device according to their identification.

6. As per claim 17, Hube discloses displaying a GUI configured to facilitate a request to enable an inactive option resident on a remote device (see for example, receive an input of a device identifier (see for example; col 15 ln 35-40), receive a selection of an inactive option for enablement from the GUI (see for example; col 15 ln 46-53). Hube further discloses a remote centralized processing station to generate a code specifically configured to enable the selected inactive option (see for example; col 14 ln 20-33) after successful processing of the received inputs and selections (see for example; col 14 ln 59-62 and col 15 ln 46-54). Hube does not explicitly teach selecting a usage period. Fenstermaker a method of enabling device features by requesting and receiving a key from a remote location, including multiple communication interfaces for communicating requests and keys [see abstract, col. 3, ln 1-10 and col. 3 ln. 29-38], and a means of enabling software remotely wherein a user selects a usage period of such software (see for example; col 4 ln 17-37). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Fenstermaker within the system of Hube, because it would have provided an added convenience for billing the customer based on usage as well as increased security of the software usage by only allowing an authorized user to use the enabled software for the specified amount of time.

7. As per claim 2, the combination of Hube and Fenstermaker teaches the method as applied above. Furthermore, Fenstermaker teaches the method wherein a software key is configured to activated one or more inactive options and is transmitted to and installed on a device (col. 2, ln 55-66).

8. As per claim 3, the combination of Hube and Fenstermaker disclose the claimed limitations as described above (see claim 1). Hube further discloses inputting a system ID (specific ID and a password to gain access to the selection step (see for example; col 15 ln 35-45). As for entering a client ID, Hube discloses a suitable logon procedure (see for example; col 15 ln 31-33). The means of entering a client ID with a password for logging onto a machine is well known in the art as being a procedure for logon and commonly used in order for identifying the user. One of ordinary skill in the art at the time of the applicant's invention would have realized such including of a client id for a logon procedure in the system of Hube because it would have provided a means of identifying the client or user for proper identification during the logon procedure. As for a host ID, Hube discloses a means of identifying the machine of a communications network (see for example; col 16 ln 1-5). Such identifying of machines in a communications network is well known in the art to include entering a host ID (such as a network address) or ID linking a location to the device. One of ordinary skill in the art at the time of the applicant's invention would have realized such a entering of a host ID in order for proper locating of the machine on the network.

9. As per claim 4, the combination of Hube and Fenstermaker disclose the claimed limitations as described above (see claim 1). Hube further discloses the step of formulating the electronic request by:

inputting a system ID (see for example; col 15 ln 37-40),
selecting a modality (see for example; col 16 ln 10-27; each column represents of options for each mode of the copier, thus selecting a modality through selecting which features in the mode to enable); selecting a software package (see for example; col 15 ln 48-55; each feature must require a specific software package in order for enablement of such features.

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As for entering a user ID, Hube discloses a suitable logon procedure (see for example; col 15 In 31-33). Hube is silent on the means of such a logon procedure. However, the means of entering a client ID with a password for logging onto a machine is well known in the art as being a procedure for logon and commonly used in order for identifying the user. One of ordinary skill in the art at the time of the applicant's invention would have realized such including of a client id for a logon procedure in the system of Hube. Furthermore, Fenstermaker teaches a means of enabling software remotely wherein a user selects a usage period of such software (see for example; col 4 In 17-37).

10. As per claims 5 and 23, the combination of Hube and Fenstermaker teaches the method as applied above. Furthermore, Fenstermaker teaches the method further comprising the step of requesting use of the one or more options for one of a trial period, a pay-per-use period, a limited access period, and an indefinite period (col. 4, In 8-26).

11. As per claim 6, the combination of Hube and Fenstermaker teaches the method as applied above. Furthermore, Fenstermaker teaches the method further comprising generating a software key if the centralized facility grants access to the inactive option, wherein the software key is unique for each electronic request (col. 4, In 45-60).

12. As per claims 8 and 19, the combination of Hube and Fenstermaker teaches the method as applied above. Furthermore, Fenstermaker teaches the method wherein the software key is an alphanumeric code (col. 3, In 11-14).

13. As per claim 10, the combination of Hube and Fenstermaker teaches the method as applied above. Hube further discloses the central facility being able receive a system ID input a system ID (see for example; col 15 ln 37-40) and identify a modality selection (see for example; col 16 ln 10-27; each column represents of options for each mode of the copier, thus selecting a modality through selecting which features in the mode to enable). As for a host ID, Hube discloses a means of identifying the machine of a communications network (see for example; col 16 ln 1-5). Such identifying of machines in a communications network is well known in the art to include entering a host ID (such as a network address) or ID linking a location to the device. One of ordinary skill in the art at the time of the applicant's invention would have realized such a entering of a host ID in order for proper locating of the machine on the network. Hube further discloses deciding whether to generate and transmit the software enabler based on the host ID input, the system ID input (see for example; fig 9 and col 15 ln 28-45). As for deciding based on the modality selection, Hube further discloses means of determining if the software (feature) authorized for the device (machine) (see for example; col 15 ln 45-50) and that each software (feature) is characterized by a modality (see for example; col 16 ln 10-28). One of ordinary skill in the art would have recognized that such verification of available features for a machine is essentially verifying the modality characterizing the feature.

14. As per claims 11 and 22, the combination of Hube and Fenstermaker teaches the system as applied above. Hube further discloses wherein the computer of the centralized facility is further programmed to compare the request comprising a system ID, a host ID, a user ID (see for example; col 15 ln 28-45), a selected non-enabled software application, and an identified modality (see for example; col 15 ln 37-64). As for deciding based on the modality selection, Hube further discloses means of determining if the software (feature) authorized for the device

(machine) (see for example; col 15 ln 45-50) and that each software (feature) is characterized by a modality (see for example; col 16 ln 10-28). One of ordinary skill in the art would have recognized that such verification of available features for a machine is essentially verifying the modality characterizing the feature. Further, Fenstemaker teaches comparing to user and device data stored in the database [col 3. ln 53-67] and wherein the software enabler is specific to the request and non-reusable [col 4, ln 45-54].

15. As per claim 12, the combination of Hube and Fenstemaker teaches the system as applied above. Furthermore, Hube discloses the claimed limitations as described above (see claim 10) and further discloses the central facility programmed to determine if the user is authorized to operate the selected non-enabled software application (see for example; col 15 ln 31-36).

16. As per claims 13 and 20, the combination of Hube and Fenstemaker teaches the system as applied above. Furthermore, Fenstemaker teaches the system can be applied to multiple types of devices [col. 2, ln 4-15].

17. As per claims 15, 21 and 30, the combination of Hube and Fenstemaker teaches the system as applied above. Hube further discloses the GUI being configured to authorize electronic communication between the centralized facility and the device (see for example col 4 ln 45-53 and col 14 ln 20-23).

18. As per claim 16, the combination of Hube and Fenstemaker teaches the system as applied above. Hube further discloses a user selection of a modality causes a list of available

software applications to be displayed on the GUI (see for example; fig 3, col 11 ln 51-57 and col 16 ln 9-27).

19. As per claim 31, the combination of Hube and Fenstermaker teaches the system as applied above. Furthermore, Fenstermaker teaches transmitting data in public and private communication interfaces [col. 3, lines 1-5, and col. 5, lines 1-12]

20. Claims 24-29 are rejected under 35 U.S.C. 103(a) as being obvious over Hube et al (hereinafter Hube), US Patent 5,442,541, in view of Applicant's Admitted Prior Art (hereinafter AAPA) and further in view of Fenstermaker et al US Patent 6,490,684 B1 (hereinafter Fenstermaker).

21. As per claim 24, Hube discloses a GUI to request activation of an inactive software program resident in memory of a medical imaging scanner remotely located from a centralized processing center (see for example; col 4 ln 45-61) comprising: a device modality selector (see for example; fig 3, col 9 ln 27-35 and col 16 ln 9-17; Hube discloses different modes and functions specified in each mode of the device), a system identification field (see for example; enter specific ID, col 15 ln 28-45) ; a Software Program Selector (see for example; fig 3 and col 4 ln 45-50); As for a user identification field, Hube discloses a suitable logon procedure (see for example; col 15 ln 31-33). The means of entering a user ID with a password for logging onto a machine is well known in the art as being a procedure for logon and commonly used in order for identifying the user. One of ordinary skill in the art at the time of the applicant's invention would have realized such including of a client id for a logon procedure in the system of Hube because

it would have provided a means of identifying the client or user for proper identification during the logon procedure, furthermore such a field must exist in the GUI to enter the user identifier. As for a software key generation tab, whereupon user selection of the software key generation tab transmits a data transmission to the centralized processing center. Hube discloses a means of transmitting data to the centralized processing center (see for example; fig 7 and col 14 ln 20-32), and wherein the data transmission represents a request to activate the inactive software program resident in memory (see for example; col 14 ln 20-32). One of ordinary skill in the art at the time of the applicant's invention would have realized the use of tabs and fields in a GUI (user interface) for the user to enter required information and selection of software (features) to enable. Hube further discloses a scanner (see for example; copier col 3 ln 49-60). Hube does not explicitly teach the scanner being a medical scanner. AAPA discloses a medical scanner with installed components, with inactive software components (see for example; page 1 paragraph 2) and activation of such components (see for example; page 2 paragraph 4). The means of remotely enabling software pre-installed on a device that are made inaccessible can be done on any type of device including medical components. One of ordinary skill in the art would have recognized substituting the scanner of Hube with the medical scanner of AAPA. The use of such remote activation in medical scanners would create added convenience to the increasing needs of such a scanner. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to combine the teachings of AAPA within Hube because it would have provided a means of remote activation of software in medical scanners and added more utility to the invention of Hube. The combination of Hube and AAPA does not explicitly teach data transmitting a over a private communication connection. However, Fenstermaker teaches a method of enabling device features by requesting and receiving a key from a remote location [see abstract, col. 3 ln. 29-38], including authorizing transmission and

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installation of a software key in response to an electronic request [see col. 3, lines 1-23], wherein the transmission of the software key is via a private communication interface such that the private communication interface connects the centralized facility to the device [col. 3, lines 1-5, and col. 5, lines 1-12]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit a software key via a private communication interface as taught by Fenstermaker and employ it into the system of Hube and AAPA, in order to enhance the security of the system by transmitting the software key in a private communication interface, thereby preventing illegal use or interception of the key.

22. As per claim 25, the combination of Hube-AAPA-Fenstermaker teaches the system as applied above. Hube further discloses a menu (see for example; fig 4) configured to display a listing of modalities (see for example; col 16 ln 9-27). As for modalities including computed tomography, x-ray, magnetic resonance, echocardiography, ultrasound, nuclear, medicine, and positron emission tomography, one of ordinary skill in the art of medical scanners would have realized such modalities being available in medical scanners and be inherent to the display of modalities in the Hube-AAPA-Fenstermaker combination. As for a drop-down menu, Hube discloses the use of tabs for each modality. The use of a drop-down menus in GUIs are well known in the art and serve the same purpose of tabs for displaying different modalities of a device. One of ordinary skill in the art at the time of the applicant's invention would have realized such a drop down menu in GUIs as an alternative means of displaying the modalities of a device.

23. As per claim 26, Hube-AAPA-Fenstermaker teaches the system as applied above.

Furthermore, Fenstermaker teaches a means of enabling software remotely wherein a user selects a usage period of such software (see for example; col 4 ln 17-37).

24. As per claim 27, Hube-AAPA-Fenstermaker teaches the system as applied above.

Furthermore, Fenstermaker teaches the method further comprising the step of requesting use of the one or more options for one of a trial period, a pay-per-use period, a limited access period, and an indefinite period (col. 4, ln 8-26).

25. As per claim 28, Hube-AAPA-Fenstermaker discloses the claimed limitations as described above (see claim 24). Hube further discloses the data transmission is configured to represent a request to activate more than one inactive software program resident in memory (see for example; col 15 ln 46-58).

26. As per claim 29, Hube-AAPA-Fenstermaker discloses the claimed limitations as described above (see claim 24). Fenstermaker further teaches the method further comprising generating a software key if the centralized facility grants access to the inactive option, wherein the software key is unique for each electronic request (col. 4, ln 45-60).

Response to Arguments

27. Applicant's arguments filed March 03, 2005 have been fully considered but they are not persuasive. Applicant argues that Neither Hube et al or Fenstermaker et al teach or suggest transmission of the key to the device by either public or private means. Applicant further argues that Hube et al and Fenstermaker et al fail to teach a computer programmed to receive a host ID

input, wherein the host ID corresponds to a physical location of the device, and displaying a GUI configured to facilitate a request over a first communication interface to enable an inactive option over a second communication interface different from the first communication interface. Examiner disagrees.

Examiner would point out that Hube teaches accessing a graphical user interface (GUI) electronically linked to a centralized facility (see for example; col 10 ln 57-67 and col 15 ln 11-27) and configured to facilitate selection from a number of option identifying parameters (see for example; col 15 ln 10-16) selecting at least one of the number of option identifying parameters for identification of one or more inactive options resident on the device (see for example; col 14 ln 59-65), and transmitting an electronic request for activation of the selected one or more inactive options to the centralized facility (see for example; col 10 ln 39-44 and col 14 ln 20-24 and ln 59-64), wherein the electronic request is transmitted via a public communication interface (i.e., **wide area networks**) (see for example; col 10, ln 15-26 and ln 39-44). Fenstermaker teaches transmission of a software key is via a private communication interface (i.e., **email, phone, facsimile**) such that the private communication interface connects the centralized facility to the device [col. 3, lines 1-5, and col. 5, lines 1-12]. The examiner asserts that the combination of Hube and Fenstermaker teaches the claimed limitations, therefore the rejection is respectfully maintained.

Conclusion

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

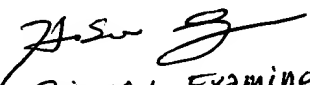
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

May 30, 2005


Primary Examiner
AU 2135